

## **REMARKS**

Claim 1 was rejected under Section 102, based on Flusberg. However, Flusberg does not appear to teach coupling a light source to said device through a switch. The office action suggests that the item 330 is a switch, but it is not called a switch in the Flusberg patent application and it does not appear to have any switching function.

Therefore, reconsideration of the rejection is respectfully requested.

Claim 2 was rejected under Section 102 over Flusberg. It is asserted that the item 120 is a polarization controller. The item 120 is not even a part of the embodiment shown in Figure 3 and relied on with respect to claim 1. The embodiment that includes the item 120 is a totally different structure which would not possibly be asserted to be covered by claim 1.

Moreover, the item 120 is not a polarization controller. A polarization controller must control polarization. A polarization beam splitter does not control polarization. Instead, it simply splits based on polarization. The assertion that the item 120 is a rotator is not understood since there is no indication in the reference that the item 120 is anything related to a rotator. There is a mention of an item 145, in paragraph 25, which is a beam splitter and there are items 150 and 155 that are two polarizing beam splitters. However, “polarizing beam splitter” is believed to refer to a “polarization” beam splitter as referred to in paragraph 24. It is not believed there is any such thing as a polarizing beam splitter.

Therefore, reconsideration of the rejection of claim 2 is respectfully requested.

Claim 7 calls for a 1 x at least 2 optical switch. As described above, it is not believed that there is anything in Flusberg that could be reasonably called an optical switch. Therefore, reconsideration is respectfully requested.

Reconsideration of the rejection of claim 8 is requested on the same basis as described above with respect to claim 2.

Claim 11 was rejected over Flusberg. However, Flusberg does not teach an embodiment with any kind of polarization controller. Even if the item 120 were a polarization controller, it is a different embodiment than the embodiment in Flusberg in which the Examiner contends that some type of switch is described. Thus, there is no providing a light source to a polarization controller, generating different polarization states and successively providing the polarization

states to a first input of a device under test. Moreover, there is no simultaneous providing of the outputs from the device under test to at least two different photodetectors.

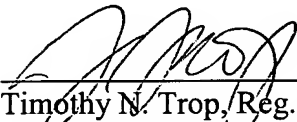
Finally, there is no successively providing different polarization states to a second input port of the device under test and simultaneously detecting output signals from two different output ports of the device under test.

Therefore, reconsideration is requested. On the same basis, reconsideration of the rejection of claim 14 is respectfully requested. Similarly, the rejection of claim 17 should be reconsidered.

In view of these remarks, the application should now be in condition for allowance.

Respectfully submitted,

Date: April 12, 2005



---

Timothy N. Trop, Reg. No. 28,994  
TROP, PRUNER & HU, P.C.  
8554 Katy Freeway, Ste. 100  
Houston, TX 77024  
713/468-8880 [Phone]  
713/468-8883 [Fax]

Attorneys for Intel Corporation